STATE OF MAINE
PUBLIC UTILITIES COMMISSION

May 9, 2001

MAINE PUBLIC UTILITIES COMMISSION Investigation Into the Rates of Community Service Telephone Company Pursuant to 35-A M.R.S.A. § 7101-B Docket No. 1998-893	ORDER REJECTING UNILATERAL STIPULATION
COMMUNITY SERVICE TELEPHONE COMPANY Proposed Rate Change Docket No. 2000-806	ORDER CLOSING CASE
COMMUNITY SERVICE TELEPHONE COMPANY Proposed Tariff Revision For Increase in Rates Docket No. 2001-251	**PROPOSED** ORDER REJECTING ACCESS RATE FILING

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. INTRODUCTION AND SUMMARY

In this order we consider issues presented by three related cases that concern the rates of Community Service Telephone Company (CST). In Docket No. 98-893, a Commission rate investigation, we reject a purported stipulation that was filed by the Company alone on April 26, 2001. Accordingly, that case remains open. We close Docket No. 2000-806, a rate case filed by the Company, because it has been superseded by a further rate case filed by the Company in Docket No. 2001-249. Finally, in Docket No. 2001-251, a proposed access rate filing by the Company, we issue a *Proposed* Order that would reject the proposed access rates filed by the Company and that would require the Company to reduce its intrastate access rates to the level of its interstate access charges by May 30, 2001.

II. BACKGROUND; DESCRIPTION OF THE PENDING CASES

Four related cases are pending for CST that address issues concerning the need to reduce its access charges to interstate levels (i.e., the levels contained in the interstate NECA 5 tariff filed on behalf of numerous carriers by the National Exchange Carriers Association (NECA)).

A. Docket No. 98-893

Docket No. 98-893 is a rate investigation opened by the Commission to consider rate issues related to the requirement of 35-A M.R.S.A. § 7101-B that all access providers (i.e., local exchange carriers) implement intrastate access charges that are no higher than those carriers' interstate access charges. We opened that case

in conjunction with identical investigations for all of the independent telephone companies (ITCs) (hereinafter the "first round of cases"). All of the other cases have been resolved by approved stipulations, but the CST case has not been resolved because no stipulation was ever filed until the single-party stipulation filed on April 26, 2001. (For reasons described below, we reject that proposed stipulation). Some of the circumstances concerning the non-resolution of that case are described in a Procedural Order issued by the Hearing Examiner on March 14, 2001 and in a letter filed by CST on April 26, 2001 that accompanied the single-party stipulation signed by CST.

CST filed the proposed stipulation pursuant to an order contained in the March 14 Procedural Order. The Procedural Order stated that in April of 2000 the Company and the Public Advocate had agreed to an amortization (over a period of three to five years) of overearnings in the amount of $950,000 and a depreciation write-off of $250,000. The Procedural Order characterized that agreement as "consistent with the stipulations in the TDS, Mid-Maine and Unitel cases." It also stated that, despite repeated reminders by the advisory staff, the Company had not provided a draft stipulation to the Public Advocate, nor had the parties filed a completed stipulation.[1] The Procedural Order ordered the Company and the Public Advocate to file a stipulation by March 26, 2001. It required the parties to submit a stipulation that was "substantially identical to those approved for the TDS companies and for Unitel and Mid-Maine, except that the Stipulation for CST shall include an amortization of $950,000 and a depreciation write-off of $250,000 in CST's COE account." As noted above, only CST has signed the proposed stipulation. The Public Advocate did not join the stipulation.

B. Docket No. 2000-806

Docket No. 2000-806 is a rate case filed by the Company on September 8, 2000. The Company filed that case contemporaneously with rate cases filed by eight other ITCs (hereinafter, the "second round" of rate cases). The eight other cases were filed pursuant to Stipulations in the first round of cases. Those stipulations agreed to address overearnings that had occurred and would continue to occur until May 30, 2001, the deadline for reducing access charges to NECA 5 levels. They addressed those overearnings by agreeing upon specified amounts that would be amortized as "ratepayer credits" following the conclusions of the second round of rate cases. The

[1]CST has not contested any of the factual statements set forth in the Procedural Order. In a letter filed on March 16, 2001 (in which it complied with the Procedural Order's requirement that it choose between continuing with the rate case in Docket No. 2000-806 or file a new rate case), CST stated that its "compliance with the directive in Ordering Paragraph No. 1 to make a choice between the two options…does not constitute concurrence with the decisions and the basis for those decisions as set forth in the Procedural Order" and that it "reserves its rights to contest the lawfulness and reasonableness of the Procedural Order…" Although CST's April 26, 2001 cover letter to the proposed stipulation requested some form of reconsideration of the Procedural Order (a request that we discuss below), CST has not specifically requested any review of the factual statements in the Procedural Order that are described above.

ratepayer credits would be used to mitigate any rate increases that might be necessary if a company's rate case established that the company would be underearning when the company reduced its access charges to NECA 5 levels.[2]

Although no stipulation between CST and other parties had been filed in Docket No. 98-893 (CST's "first round" case), CST's rate filing on September 8, 2000 was similar to those of the other eight companies. In particular, the filing included an amortization amount of $950,000 and a write-off to plant accounts (an increase to accumulated depreciation) of $250,000. Circumstances concerning the filing and processing of that case (including certain procedural waivers for CST and the other eight companies) are described in the March 14 Procedural Order. The Company's April 26 letter also contains statements concerning the amortization and write-off amounts.

C. Docket No. 2001-249

Docket No. 2001-249 is a rate case filed by CST on April 6, 2001 pursuant to 35-A M.R.S.A. § 307.[3] If the Commission suspends a proposed rate change filed under that section, it may take up to nine months to process the case. CST filed this case (the third rate proceeding currently pending for CST) in compliance with the March 14, 2001 Procedural Order issued in Docket No. 2000-806. In that Procedural Order, the Examiner ruled that CST's attempt to modify substantially its original filing by presenting a new test year (2000 rather than 1999) and a whole new set of proposed adjustments to the test year essentially constituted a whole new rate case that could not be processed prior to May 30, 2001. The Procedural Order required the Company to choose between continuing with its original filing in 2000-806 and filing a new rate case pursuant to 35-A M.R.S.A. § 307. The Company chose the latter course.

As discussed in the Proposed Order below (in Docket No. 2001-251), we propose to order that CST reduce its rates to interstate NECA 5 levels on May 30, 2001. If we enter such an order, we will endeavor, if the Company requests, to process the rate case in Docket No. 2001-249 in a manner that is as expeditious as possible.

D. Docket No. 2001-251

Docket No. 2001-251 is a filing by the Company that proposes to reduce its access charges (the rates paid by interexchange carriers for the origination and termination of interexchange calls by their customers). CST's present access charges are 9.52 cents per minute. CST proposes to reduce the charges to 6.96 cents per

[2]Stipulations in the remaining "first round" of cases addressed pre-May 30, 2001 overearnings by "stay-out" provisions in which companies agreed that those overearnings would be offset by underearnings that would be expected to occur after May 30, 2001.

[3]We do not include this case in the captions at the head of this Order because we do not enter any specific order in it.

minute. However, its interstate (NECA 5) access charges are 3.91 cents per minute. The cover letter to its filing characterizes the rates as "no greater than NECA *Pool Disbursements* for CST." In other words, CST has not proposed rates that are the same as its interstate (NECA 5) rates, i.e., rates that comply with the Commission's "goal" to reduce ITC access charges to NECA 5 levels by May 30, 2001, as stated in our Interim Order of January 28, 1999 in the first round of ITC rate investigations (Docket Nos. 98-891, 98-893 et al.) and in the Stipulations for the other first round ITC rate cases that included amortization agreements.

III. DISCUSSION

A. Docket No. 89-893

We do not approve the Stipulation filed by the Company on April 26, 2001. The proposed stipulation is not consistent with our goal, stated in the Interim Order, that ITCs reduce their access charges to interstate levels by May 30, 2001. The second (middle) sentence of Paragraph 2 of the "Stipulation Provisions" (Part III of the proposed Stipulation) states:

> From May 29, 2001 through the date of implementation of revised rates for the Telephone Company pursuant to the first general rate proceeding initiated after March 14, 2001 ("Initial Implementation Date"), the Telephone Company shall not be required to reduce its intrastate access rates below the NECA pool disbursement level.

The rate case "filed after March 14, 2001" is the rate case filed on April 6, 2001 in Docket No. 2001-249. We cannot process that case prior to May 30, 2001. "Pool disbursements" are the amount of interstate revenues that the Company actually receives from NECA, based on the Company's interstate costs. It is possible to derive a rate based on those disbursements.[4] For CST, a disbursements-based rate is far in excess of the actual NECA 5 rate. The sentence that CST proposed to include in its stipulation effectively states, therefore, that CST is not required to reduce its access charges to interstate levels on May 30, 2001. For reasons stated below (in our discussion of Docket No. 2001-251), that result is unacceptable, and we therefore will not approve the proposed stipulation.

[4]Chapter 280, § 8 (J)(2)(d) states that companies may use either their actual NECA pool disbursements or their "NECA pool disbursements" for rates that will be effective on *May 30, 1999.* The Interim Order discusses the two pricing alternatives (NECA 5 rates and NECA disbursements). It ruled that the ITCs could establish rates for May of 1999 at *disbursement* levels, but it also established the goal that by *May 30, 2001* intrastate access rates will be set at interstate *rates*.

We also find that inclusion of the sentence allowing CST to continue to maintain access rates that exceed NECA 5 levels after May 30, 2001 means that the proposed stipulation is not "substantially identical" to the stipulations that we approved in the other "first round" cases in which ITCs agreed to amortizations of pre-May 30, 2001 overearnings, i.e., stipulations in the cases for Mid-Maine Telecom (98-897), Unitel (98-909) and the six TDS companies (98-894, 98-895, 98-904, 98-906, 98-911, and 98-912) (hereinafter, the "amortization stipulations"). As discussed above, the Procedural Order required CST and the Public Advocate to file a stipulation that was "substantially identical" to the stipulations for the TDS companies, Mid-Maine and Unitel (other than the differing amortization amounts). The earlier amortization stipulations did not contain the quoted sentence.

We read the first two paragraphs of the "Stipulation Provisions" of those other stipulations as stating that each of those companies will reduce access charges to interstate NECA 5 levels by May 30, 2001, unless, *by that date*, the company has made "a showing that its particular circumstances warrant a deviation from the stated goal."[5]

The Company claims that the inclusion of the sentence that would allow it to continue above-NECA 5 rates after May 30, 2001 is not a "material deviation" from the stipulation provisions in the other amortization stipulations. We disagree. The stipulation proposed by CST would specifically allow CST to maintain access rates that exceed interstate levels after May 30, 2001. The other amortization stipulations do not

[5]The first two paragraphs of the other stipulations read:

> 1. Goals and Objectives. The parties recognize that in its Interim Order the Commission stated its goal to establish intrastate access rates for ITCs at the level of the NECA Tariff No. 5 interstate switched access rates by May 30, 2001. The Commission further stated that an ITC was not precluded from making a showing that its particular circumstances warrant a deviation from the stated goal, and that the Commission would remain open to individual company circumstances and mindful of each company's reasonable rate of return. The parties also recognize the policy objectives of maintaining the affordability and comparability of the Telephone Company's rates for basic telephone service.
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> 1. Access Rate Moratorium. From the date of the Commission's approval of this Stipulation through May 29, 2001, the Telephone Company shall not be required to reduce its intrastate access rates below their currently existing level as of the date of this Stipulation. The Telephone Company shall not be prohibited by this Stipulation from voluntarily reducing its intrastate access rates.

allow any of those companies to continue above-NECA 5 rates after that date unless one of those companies makes "a showing" that it should be allowed to "deviate" prior to that date.[6]

We also note another basis for rejecting the proposed stipulation. In *Maine Public Utilities Commission, Investigation into the Rates of Cobbosseecontee Telephone and Telegraph Company Pursuant to 35-A M.R.S.A. § 7101-B*, Docket No. 98-892, Order (April 19, 2000) (another of the first round of cases), we described a proposed stipulation filed by Cobbosseecontee as "a document [filed] with the Commission purporting to be a Stipulation" and ruled that we "do not consider the filing made by Cobbosseecontee to be a Stipulation because it was not signed by any other party."

In its April 26 cover letter, CST appears to question the need for a stipulation at all. CST states:

> The intent of the March 14 Procedural Order, as indicated from its text, appears to be to assure that CST is committed in writing to implement the Amortization and Depreciation Amounts. As noted above, CST has already acted in substantive compliance with the Unitel and Mid-Maine Stipulations with regard to the Amortization and Depreciation Amounts by its filing in September, 2001, [sic] which included the Amortization and Depreciation Amounts, in its conduct of the proceeding which ensued (Docket No. 2000-806), and in its inclusion of the Amortization and Depreciation Amounts in its recent rate case filing. (Docket No. 2001-249) … CST request[s] that the Procedural Order be clarified to explain the purpose intended to be achieved by the submission of a Stipulation other than the assurance that the Amortization and Depreciation Amounts would be included in a future rate case for CST, as discussed in the March 14 Procedural Order.

[6]In its April 26th cover letter to the proposed stipulation, CST requested that we reconsider the Procedural Order "to the extent the enclosed stipulation is found not to be in compliance with the March 14 Procedural Order." CST also requests that we waive any applicable deadline for seeking reconsideration. We do not have any specific request for reconsideration before us. In any event, we do not believe it is necessary to consider the validity of the Procedural Order's requirement that CST and the Public Advocate file a stipulation that is "substantially identical" to the stipulations approved for Mid-Maine, Unitel and the TDS companies because the provision that would allow CST to maintain access rates that exceed its interstate rates is in any event contrary to the rulings contained in the Interim Order.

CST is not correct that the only purpose of the Procedural Order's requirement to file a stipulation was "to assure that CST is committed in writing to implement the Amortization and Depreciation amounts." In requiring CST and the Public Advocate to file a stipulation that was "substantially identical" to the other "amortization stipulations," it is clear that the Procedural Order also expected that CST would be bound by the provisions that bound the other "amortization" companies concerning the need to reduce access charges to interstate levels by May 30, 2001 unless a company made a timely "showing" that it should not be required to do so. We have rejected the stipulation because it contained language that would specifically negate those provisions (and, more importantly, the terms of the Interim Order) by allowing CST to continue to have access rates that would exceed interstate levels.

Nevertheless, because we address those issues directly in this order, we agree with CST that the only significant *remaining* purpose of a the stipulation ordered by the Procedural Order is to address the amortization and depreciation write-off issues.

CST states that it is acting consistently with the provisions in the "amortization stipulations" by including the amounts in its September (2000-806) and April (2001-249) rate case filings. We do not believe that it is absolutely necessary for this matter to be addressed in a stipulation or that the Public Advocate be involved. If CST provides an unequivocal, irrevocable written commitment that the amortization and depreciation write-off amounts will be recognized and incorporated in rates that are established in Docket No. 2001-249 (or any other proceeding that established rates for the Company following the access rate reductions it must make on May 30, 2001), we will be able to close this case.

For the present, we will leave this docket open because the amortization and depreciation issues have not been fully resolved.

B. Docket No. 2000-806

We close the rate case filed by the Company on September 8, 2001 that was assigned Docket No. 2000-806. The March 14 Procedural Order required the Company to choose between continuing this case with its original filing or to file a new rate case with a new test year (2000) and the new set of adjustments that the Company had originally proposed to file in this docket. The Company chose to file a new rate case. Necessarily, pursuant to the terms of the Procedural Order, the Company has abandoned this case.

C. Docket No. 2001-251

The Company's filing in Docket No. 2001-251 proposes to establish access rates that are well in excess of CST's interstate access rates on file with the FCC in the NECA 5 tariff. For this case, we issue a **Proposed Order**. CST and other parties may comment on the Proposed Order. We propose to find that the proposed

rates are unjust and unreasonable and to order CST to file rates that are the same as its interstate access rates.

The Interim Order stated that it is "our goal to have ITC access rates at the NECA tariff rate by May [30,] 2001." The Interim Order also recognized that it would be necessary to address ITCs' revenue requirements prior to that time. With regard to rate proceedings, we stated:

> The objectives outlined in today's Order do not preclude an ITC from making a showing that its particular circumstances warrant a deviation from our stated goal of intrastate access rates at the NECA tariff level by May 2001. We remain open to individual company circumstances and mindful of each company's opportunity to earn a reasonable rate of return.[7]
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> We are hopeful that after further discussions, the ITCs and the other parties will propose stipulated transition plans for our review. If no such transition plan is filed for a particular company by August 1, 1999, we will begin the process of opening a rate cases pursuant to our authority under 35-A M.R.S.A. § 1303 to investigate each company's rates to determine whether they continue to be just and reasonable.
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> As we stated in our Notice of Investigation in each of these proceedings, our investigations will focus on access rate reductions but may entail detailed analysis of company earnings, especially if a company expects to request a basic rate increase to offset reductions in access revenues*. We envision a two-year process of reducing ITC access rates from disbursement levels* [as of May 30, 1999] *to NECA tariff levels.* (emphasis added)

The Interim Order is very clear that the processes for reducing access charges and the examinations of the ITCs' revenue requirements and other rates were to be tied to each other and that both should end by May 30, 2001. Until the filing of its most recent rate case (2001-249), CST acted in accord with that understanding. Like

[7] In light of the stipulation we had accepted that addressed Bell Atlantic's need to reduce its access rates to interstate levels, we stated that "ITCs should not expect revenue neutrality in the form of dollar-for-dollar increases in basic rates or universal service support to offset the loss in access revenues."

the other ITCs that opted for amortizations rather than stay-outs, it filed a rate case (2000-806) in early September of 2000. Under normal circumstances, the processing of a rate case takes about nine months, a possibility clearly anticipated by the filing in early September.[8] The processes set up by the Commission and the parties clearly anticipated that the rate proceedings (that would include an opportunity to make a "showing" that a company should be permitted to "deviate" from interstate rates) should be completed by May 30, 2001. The Company does not appear to argue otherwise, and it could not reasonably do so.

The March 14 Procedural Order found that the updating of its case that CST proposed in Docket No. 2000-806 constituted a whole new rate case that the Commission could not reasonably process by May 30, 2001. The Procedural Order required the Company to choose between finishing the rate case filed in 2000-806 by May 30, 2001 and filing a new rate case that could not be finished by May 30, 2001 and might take up to nine months from the date of filing. The Company chose to proceed with the new rate case. It abandoned the opportunity that it had in Docket No. 2000-806 to make a "showing" *prior* to May 30, 2001 that it should be permitted to "deviate" from NECA 5 after that date.[9]

We therefore propose in this Proposed Order to require that the Company reduce its intrastate access rates to the Company's interstate rates effective May 30, 2001 unless CST can present a compelling reason why we should not enter such an order. Those reasons should not include arguments that the Procedural Order should not have required CST to choose between continuing the rate case in 2000-806 and filing a new rate case. They should also not include arguments that we should address the Company's earning situation based on the filing contained in the new rate case (Docket No. 2001-249). The Procedural Order found that there was not sufficient time even between March 14 and May 30 to complete a wholly new rate case. Quite aside from any finding in the Procedural Order, there obviously is even less time now.

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[8]Pursuant to a memorandum filed by the Companies designed "to establish a streamlined procedure" (and adopted by a Procedural Order issued on October 13, 2000), the "amortization" companies initiated their proceedings by filing the financial information required by Chapter 120 of our Rules. They did not file proposed revised tariffs pursuant to 35-A M.R.S.A. § 307, which would have resulted in a statutory 9-month deadline.

[9]It might have been possible (assuming sufficient resources) to pursue both courses simultaneously. However, the Company, in its filing to update the test year and adjustments in Docket No. 2000-806, claimed that the original 1999 test year and original set of adjustments was completely out of date. The Company insisted it had only two choices: a 1999 test year with a larger set of adjustments or a 2000 test year with a lesser set of adjustments. The Procedural Order found that these two alternatives were substantively identical.

We rely in part on the March 14 Procedural Order to impose the limitations stated above on arguments that the Company may make in opposition to the Proposed Order because the Procedural Order effectively has become final, and any attacks on it at this late date are both legally and practically untimely. The Company has not effectively sought review of any of the findings or rulings in the Procedural Order.

In its April 26 cover letter to the proposed stipulation in Docket No. 98-893, the Company did request that we "reconsider" the March 14 Procedural Order "to the extent" that the proposed stipulation "is found to be not in compliance with the Procedural Order." It also asks that "any applicable deadline for seeking such reconsideration, which has passed, be waived."

We do not consider this to be a request for reconsideration that we can reasonably consider. The Company has not identified any particular aspect of the Procedural Order that it wants us to reconsider, aside from its request that we "clarify" whether there is any purpose to the stipulation required by the Procedural Order, beyond addressing the amortization and depreciation write-off. We have addressed that matter above.

The Company has not asked us to reconsider any other specific finding or ruling contained in the Procedural Order, including the requirement that it choose between continuing with the rate case in Docket No. 2000-806 and commencing a new rate case. As noted above, in its March 16 "election" letter, the Company did state that its compliance with the requirement to choose between the two options "does not constitute concurrence with the decisions and the basis for those decisions as set forth in the Procedural Order." The Company then purported to "reserve… its rights to contest the lawfulness and reasonableness of the Procedural Order…" Even if something in the April 26 letter could reasonably be construed to challenge the ruling that it must choose between the two options, the Company presented no argument in support of such a claim.

Any such request is also untimely, both under our rules and as a practical matter. The Company admits that it failed to comply with "applicable deadlines," i.e., the 20 days for filing a motion for reconsideration in Chapter 110, § 1004 (Rules of Practice and Procedure). In addition, if the Company truly believed that the Procedural Order was in error, it should have requested review within a time frame that might have allowed a timely remedy. Instead, the Company sat on its "reserved" rights. If any aspect of the Procedural Order were in error, curing that error would have been far more practical at an earlier date.

Finally, we note that the Company in its filing in this case characterized its proposed access rates as "consistent with 35-A M.R.S.A. § 7101-B and Section 8(J) of Chapter 280 of the Commission's Rules, which would provide for the establishment of intrastate switched access rates at a level no greater than the NECA Pool Disbursements for CST." 35-A M.R.S.A. § 7101-B, of course, does not mention NECA pool disbursements. While we have ruled that using disbursements under the statute

might be lawful, we have also ruled that we would not permit their use after May 30, 2001 unless a company made a timely showing that it should not have to reduce its rates to NECA 5 levels. The Company's reliance on Section 8(J) Chapter 28 is misplaced. Section 8(J) provides no support whatsoever for allowing a company to continue access rates at the NECA disbursement level. Section 8 (J)(2)(d) of Chapter 280 states that a LEC must establish rates "that mirror the structure and level of interstate access rates (or interstate NECA-pool disbursements)," but the provision on its face applies only to the rates that went into effect on May 30, 1999. Chapter 280 does not address the level of access rates that must be in effect on May 30, 2001. We must therefore rely solely on the words of the access parity statute, 35-A M.R.S.A. § 7101-B, and our interpretation of that statute in the Interim Order.

IV. ORDERING PARAGRAPHS

For the foregoing reasons, we

1. Reject the proposed stipulation filed by Community Service Telephone Company (and by no other party) on April 26, 2001 in Docket No. 98-893 as inconsistent with the Interim Order issued on January 28, 1999 in Docket Nos. 98-891, 98-893 et al.;

2. Leave the Investigation in Docket No. 98-893 open for further proceedings or filings consistent with rulings and discussions in this Order;

3. Close the rate proceeding in Docket No. 2000-806;

4. Propose, in Docket No. 2001-251, to find that the access rates filed by Community Service Telephone Company are unjust and unreasonable and to order Community Service Telephone Company to file substitute access rates that are no higher than its interstate access rates on file with the Federal Communications Commission in the tariff filed on its behalf by the National Exchange Carriers Association (NECA); and

5. Order that the parties shall file comments on the Proposed Order in Docket No. 2001-251 on or before **noon** on Friday, May 11, 2001.[10]

Dated at Augusta, Maine, this 9th day of May, 2001.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

This Document has been designated for Publication

[10]The Commission intends to deliberate the Proposed Order at its deliberations on Monday, May 14, 2001. If, however, the Company believes that it needs more time for filing comments, the Commission will deliberate the Proposed Order on May 21, 2001. If the Company decides that it needs more time, it should contact the Examiner and the other parties.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.